

BOB DIXON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN MEYER,

Plaintiff,

vs.

Cause No. 18-CV-0002-BMM

BIG SKY RESORT,

Defendant.

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
BOB DIXON

BE IT REMEMBERED, that the videotaped deposition upon oral examination of BOB DIXON, appearing at the instance of Plaintiff, was taken at the offices of Crowley Fleck, PLLP, 1915 South 19th Avenue, Bozeman, Montana, 59718, on the 5th day of February 2020, beginning at the hour of 9:30 a.m., pursuant to the Federal Rules of Civil Procedure, before Marla Jeske, Court Reporter - Notary Public, CSR.

BOB DIXON

APPEARANCES

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ALSO PRESENT:
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BOB DIXON

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BOB DIXON

1 WHEREUPON, the following proceedings were had
2 and testimony taken, to-wit:

3
4 * * * * *

5
6 VIDEO TECHNICIAN: This is the time and place
7 set for the video deposition of Bob Dixon in the
8 case of John Meyer, plaintiff, versus Big Sky
9 Resort, defendant.

10 It is Cause Number 18-CV-0002-BMM in the
11 United States District Court for the district of
12 Montana, Butte Division.

13 This video deposition is being held at
14 the offices of Crowley and Fleck located at 1915
15 19th Avenue in Bozeman, Montana.

16 Today's date is February 5th, 2020. The
17 time is 9:33 a.m. The court reporter is Marla
18 Jeske with Bridger Court Reporting. I'm Mark
19 Brown, the videographer.

20 Will the attorneys please identify
21 themselves for the record.

22 MS. WALAS: Breean Walas for the plaintiff.

23 MR. McINTOSH: Ian McIntosh for the
24 defendant.

25 VIDEO TECHNICIAN: Will the witness now

BOB DIXON

1 please be sworn in.

2
3 * * * * *

4
5 BOB DIXON,
6 called as a witness herein, having been first duly
7 sworn, was examined and testified as follows:
8

9 EXAMINATION

10 BY MS. WALAS:

11 Q. All right. Good morning. Do you
12 understand why you're here today?

13 A. I do.

14 Q. Okay. And have you given a deposition
15 before?

16 A. Yes.

17 Q. How many have you given?

18 A. Somewhere between five and ten.

19 Q. And what -- was that in your employment
20 with Big Sky?

21 A. Yes.

22 Q. All of them?

23 A. I think so, yes.

24 Q. And what types of cases were they?

25 A. Um, basically there was a suit about an

BOB DIXON

1 avalanche closure. There was a suit involving
2 terrain analysis by a skier. There was one about
3 skiing off the summit and the person walking across
4 a rock field to ski a patch of snow and hitting a
5 rock, those kind of things.

6 Q. Okay. And I'm just going to go over a
7 couple of the ground rules just to give you a
8 reminder.

9 You understand that all of your answers
10 need to be out loud so that she can take them down?

11 A. Correct.

12 Q. And is there anything going on that
13 would impair your ability to give truthful answers
14 today?

15 A. No.

16 Q. You haven't taken any drugs this
17 morning?

18 A. Prilosec.

19 Q. Okay. Haven't had any drinks?

20 A. No.

21 Q. All right.

22 A. Except Mountain Dew.

23 Q. Well, you know, everybody needs a little
24 caffeine.

25 A. Yes.

BOB DIXON

1 Q. So if you need any breaks at any point,
2 if I'm in the middle of a question, if you don't
3 mind answering it and then we'll go ahead and take
4 a break as you need it.

5 A. Okay.

6 Q. And do you agree to be honest with me
7 today?

8 A. Yes.

9 Q. All right. Now, what have you done to
10 prepare for your deposition?

11 A. Um, basically went over the actual
12 accident investigation and pretty much just got my
13 memory back as to the incident.

14 Q. Okay. And we'll talk about the accident
15 incident report a little bit later but, first, I
16 just want to get some background information on
17 you.

18 A. Uh-huh.

19 Q. What's your full name?

20 A. Robert Charles Dixon.

21 Q. And have you gone by any other names?

22 A. Basically, the ski patroller uses my
23 number 20 which I answer to quite easily.

24 Q. Okay.

25 A. They also call me Boss Hog, Red Duck

BOB DIXON

1 Leader. Basically, some people use my name that I
2 use for my pin name on my account, which is Cindy
3 or Sherri. Okay?

4 Q. Okay. And is it okay if I call you Bob
5 today?

6 A. Yes.

7 Q. Okay. And what's your marital status?

8 A. Divorced.

9 Q. Okay. And does your ex live in the
10 area?

11 A. She does.

12 Q. And what is her name?

13 A. Evi Dixon.

14 Q. Okay. And do you have any children?

15 A. No.

16 Q. Where do you live?

17 A. On Baxter over by La Tinga, Baxter Lane.

18 Q. Is that in Bozeman?

19 A. Uh-huh.

20 Q. Okay.

21 MR. McINTOSH: Say yes. Just remember to say
22 yes instead of uh-huh.

23 THE WITNESS: Okay.

24 MR. McINTOSH: Or else Marla is going to get
25 mad at both of us.

BOB DIXON

1 MS. WALAS: Right. And we all say uh-huh as
2 well, so it's a good reminder for all of us.

3 THE WITNESS: Okay.

4 BY MS. WALAS:

5 Q. Does anyone live with you at your
6 residence?

7 A. No.

8 Q. And what's your educational background
9 starting with high school?

10 A. Went to high school in Colorado Springs,
11 then went to college, got a professional degree in
12 physics from MSU.

13 Q. And when you say MSU, which one is that?

14 A. It's Montana State University.

15 Q. All right. And you said that's a
16 professional degree in --

17 A. Right.

18 Q. -- physics?

19 A. Yes.

20 Q. What is a professional degree?

21 A. It's basically four years and some
22 graduate courses but not quite a master's.

23 Q. And any other post-graduate work?

24 A. I worked in GIS but those are just
25 courses I took. I didn't get a degree.

BOB DIXON

1 Q. Okay. And do you have a bachelor's
2 degree from Montana State?

3 A. It's the same thing as professional.

4 Q. Okay. And let's talk a little bit about
5 your employment history. What would you consider
6 your profession?

7 A. Ski patrol.

8 Q. And how long have you been a ski
9 patroller?

10 A. 40 years.

11 Q. You're going to make me do some math.
12 So you started in about 1980?

13 A. A little before that.

14 Q. Okay. And where was your first job as a
15 ski patroller?

16 A. Park City.

17 Q. And how long were you at Park City?

18 A. One year.

19 Q. Do you recall what your title was?

20 A. Just a line ski patroller.

21 Q. And where did you go after Park City?

22 A. Park West.

23 Q. And where's Park West?

24 A. It's in Park City, now called The
25 Canyons.

BOB DIXON

1 Q. How long did you stay there?

2 A. Two years.

3 Q. And what did you do there?

4 A. Line patrol.

5 Q. After Park West, where did you go?

6 A. Big Sky.

7 Q. Okay. So what year did you join Big
8 Sky?

9 A. '82.

10 Q. What -- before we go into your
11 employment at Big Sky, what were your duties as a
12 line patrol?

13 A. Basically avalanche mitigation, medical
14 response, rope lines, things like that.

15 Q. And when you joined Big Sky in '82, what
16 was your title, job title?

17 A. When I joined them, was line patroller.

18 Q. How long did you -- how long were you a
19 line patroller?

20 A. Two months.

21 Q. What did you do after line patrol?

22 A. Assistant director.

23 Q. Assistant director of what?

24 A. Ski patrol.

25 Q. Okay. Didn't want to put you in the

BOB DIXON

1 kitchen and be wrong.

2 So you were promoted to the assistant
3 director in '82?

4 A. Yes.

5 Q. Okay. And how long were you the
6 assistant director of ski patrol?

7 A. Ten years.

8 Q. And what were your responsibilities and
9 duties as that assistant director?

10 A. Pretty much the day-to-day operations,
11 direction for the pole patrol. There was a small
12 volunteer patrol but they weren't under my
13 auspices.

14 Q. And in '92, what was your -- what did
15 your role change to?

16 A. Patrol director.

17 Q. And what does a patrol director do?

18 A. Basically supervises the day-to-day
19 operation of the ski patrol, also is in charge of
20 investigation, accident investigation, basically
21 human resource activities, dealing with the
22 management team of Big Sky.

23 Q. Okay. And how long were you the patrol
24 director?

25 A. Let's see, I just retired last June so

BOB DIXON

1 that is -- if we can do the math. It's probably 26
2 years about.

3 Q. And why did you retire?

4 A. I'm 70.

5 Q. That's a pretty good reason.

6 Now, have you ever given testimony as an
7 expert witness?

8 A. No.

9 Q. Okay. And how long have you been a
10 skier?

11 A. Since I was four.

12 Q. And what level of skier do you rate
13 yourself?

14 A. An expert.

15 Q. And do you recall -- strike that.

16 So I'm assuming, but I don't want to
17 make an assumption, are you knowledgeable about the
18 mountain at Big Sky?

19 A. Yes.

20 Q. Okay. So if I talk to you about, you
21 know, the trails and the terrain and use names,
22 you'll have a general understanding of what I'm
23 talking about?

24 A. Yes.

25 Q. And if I show you pictures, do you feel

BOB DIXON

1 like you can recognize the ski areas on the
2 mountain?

3 A. Yes.

4 MR. MCINTOSH: Objection, speculation.

5 BY MS. WALAS:

6 Q. Okay. How often are you on the mountain
7 as the ski patrol director?

8 A. Pretty much every day.

9 Q. Okay. And do you go out and assist the
10 professional ski patrollers in their job?

11 A. Yes. I got an avalanche route that I do
12 every day. We do avalanche control. And yes, I'm
13 on the mountain.

14 Q. Okay. And how about skiing for fun, how
15 often do you go out on the mountain at Big Sky?

16 A. This year I've been out ten times.

17 Q. How about when you work there?

18 A. None.

19 Q. Did you say none?

20 A. None.

21 Q. Okay. Now, at Big Sky are you familiar
22 with what's been referred to within this litigation
23 as the Bermuda Triangle?

24 A. Yes.

25 Q. Okay. And why is it called the Bermuda

BOB DIXON

1 Triangle?

2 MR. MCINTOSH: Objection, foundation.

3 Go ahead.

4 THE WITNESS: Basically, it's some ski
5 patroller decided to call it that. I do not know
6 why.

7 BY MS. WALAS:

8 Q. Can you tell me where the Bermuda
9 Triangle is on the mountain?

10 A. It is below the Loop Road, below Highway
11 and above lower Morning Star.

12 Q. And is it your understanding that
13 Mr. Meyer's ski wreck on December 11th, 2015,
14 occurred in the Bermuda Triangle area?

15 A. Yes.

16 Q. Okay. And do you know if you can see
17 this Bermuda Triangle from any of the ski lifts?

18 A. Yes.

19 Q. Which one?

20 A. Definitely Challenger, you can actually
21 see it from Swift Current.

22 Q. I'm going to go ahead and hand you the
23 binder of exhibits that have been introduced so far
24 so that you can use those for your reference. And
25 I'll ask you to go ahead and turn to what's been

BOB DIXON

1 marked as Exhibit 10.

2 A. (Witness complies.)

3 Q. Now, have you seen this picture before?

4 A. I believe so.

5 Q. And can you identify where this is on
6 the mountain?

7 A. This is -- let me take a good look at
8 this. Yeah, this is right up above the soup shack
9 coming off the Jay Walk.

10 Q. And would this be considered a
11 transition point on the mountain?

12 MR. McINTOSH: Objection, vague.

13 THE WITNESS: Yeah. Define "transition
14 point."

15 BY MS. WALAS:

16 Q. Is this an area where more than one
17 trail come together?

18 A. Yes.

19 Q. And there's some what I would call
20 fences on there.

21 A. Right.

22 Q. And do you know what the purpose of
23 those fences are?

24 A. To collect snow.

25 Q. To collect snow?

BOB DIXON

1 Do they have anything to do with
2 directing skiers?

3 A. No.

4 Q. Okay. And do you have any idea when
5 this picture was taken?

6 A. I do not.

7 Q. And you said that it was above the soup
8 shack in coming off the Jay Walk?

9 A. Right.

10 Q. For those of us that are unfamiliar with
11 Big Sky, are there any specific trail names right
12 there?

13 A. You're on the Jay Walk.

14 Q. You're on the Jay Walk, okay.

15 A. Yes.

16 Q. And if you'll go ahead and turn to
17 Exhibit 11.

18 A. (Witness complies.)

19 Q. And have you seen this photo before?

20 A. Not that I recall.

21 Q. Looking at the photo are you familiar
22 with the area that it depicts?

23 A. Yes.

24 Q. Okay. And what is that area?

25 A. Um, you're at the intersection of Mr. K

BOB DIXON

1 and the lower Morning Star Road, catwalk.

2 Q. And what is the skill level for that
3 lower Morning Star catwalk?

4 A. Green.

5 Q. And do you see where the skiers are in
6 that photo?

7 A. Yes.

8 Q. And what's the trail name of what I
9 would consider the uphill slope above them?

10 A. Right above them?

11 Q. Yes.

12 A. That is not a trail.

13 Q. What is that?

14 A. It's just an open snow field.

15 Q. Okay. Is that an open skiing area?

16 A. Not until we get enough snow. But
17 basically it's just kind of off -- off the trail a
18 bit.

19 Q. And the part of the trail that the
20 skiers are on, did you say that was the lower
21 Morning Star cat track?

22 A. Yes.

23 Q. Okay. And the signs that are on the
24 part of the slope above the skiers, what is the
25 purpose of those signs?

BOB DIXON

1 A. Are you referring to the orange sign?

2 Q. Yes.

3 A. That is to close that when we're doing
4 avalanche mitigation, to close it.

5 Q. And there's another sign that's yellow,
6 what is that sign's purpose?

7 A. Basically to caution you that there may
8 be obstacles, rocks. It's early season conditions.

9 Q. Okay. And when you say early season
10 conditions, what does that mean to you?

11 A. Thin snow pack.

12 Q. Did you say thin snow pack?

13 A. Yes.

14 Q. Okay. And where does this lower Morning
15 Star cat track lead to?

16 A. To lower Morning Star.

17 Q. If you'll go ahead and turn to Exhibit
18 13.

19 A. (Witness complies.)

20 Q. And have you seen this photo before?

21 A. Possibly. I've seen some similar, not
22 this one.

23 Q. And are you familiar with the area that
24 is depicted?

25 A. Yes.

BOB DIXON

1 Q. Okay. And what is that showing in that
2 picture?

3 A. At the top of lower Morning Star you're
4 looking on the right side at Bermuda Triangle,
5 you're looking at the Loop cat track and then
6 you're looking at Highway on the left side of the
7 photo.

8 Q. And so when you say "Highway on the left
9 side of the photo," that would be the steeper --

10 A. Uh-huh.

11 Q. -- part of the hill?

12 A. Yeah. It's everything above the cat
13 track.

14 Q. And then this cat track that you're
15 discussing here, is that the same cat track that
16 was the lower Morning Star cat track in the
17 previous exhibit that we talked about, Exhibit 11?

18 A. It does continue across, yes.

19 Q. And I just forgot what the top trail was
20 on the left. What's the name of that trail again?

21 A. Highway.

22 Q. Highway. And what skill level is
23 Highway?

24 A. Black diamond.

25 Q. And so Highway crosses over the cat

BOB DIXON

1 track and then continues down?

2 A. To the Bermuda Triangle.

3 Q. Okay. And what's the skill level after
4 you cross over the cat track?

5 A. Um, it's basically continuation of
6 Highway. So it would be black diamond.

7 Q. Now, do you know if this area has ever
8 been marked with any safety signs by the ski
9 patrollers?

10 MR. McINTOSH: Objection; vague, foundation.

11 THE WITNESS: Yeah, more details. Which area
12 are you talking there?

13 BY MS. WALAS:

14 Q. So looking at this picture, the Bermuda
15 Triangle there, has that area, the Bermuda Triangle
16 itself, ever been marked with safety signage or
17 anything that the ski patrollers used to advise
18 skiers of hazards?

19 MR. McINTOSH: Same objections.

20 THE WITNESS: Um, no.

21 BY MS. WALAS:

22 Q. And go ahead and turn to Exhibit 18.

23 A. (Witness complies.)

24 Q. Where is this on the mountain?

25 A. This is the top of Challenger.

BOB DIXON

1 Q. Okay. And I forgot to ask you
2 beforehand, that you're familiar with what's
3 depicted in this photo?

4 A. Yes.

5 Q. Okay. And what's the purpose of those
6 ropes that we see in the photo?

7 A. It's basically a closure.

8 Q. And what's the purpose of the closure?

9 A. The closure is to keep people from
10 hiking up into the terrain above it.

11 Q. And was that closed due to early season
12 conditions?

13 A. Yes.

14 Q. So similar to the first photo we looked
15 at, it may change on another later date when you
16 get more snow up there?

17 A. Correct.

18 Q. Okay. And do you know if this photo and
19 the previous photo Exhibit 13, do you know when
20 those were taken?

21 A. No, not really.

22 Q. Now you said that's the top of Highway,
23 correct?

24 A. Yes.

25 Q. And --

BOB DIXON

1 MR. MCINTOSH: I'm sorry, I got
2 to -- misstates his testimony.

3 Go ahead.

4 BY MS. WALAS:

5 Q. So on Exhibit 18 where is that at?

6 A. It's at the top of Challenger.

7 Q. Top of Challenger. Sorry, I struggle to
8 keep the trail names straight.

9 And is that right where you get off the
10 chairlift?

11 A. Yes.

12 Q. Okay. If you'll turn to Exhibit 20.

13 A. (Witness complies.)

14 Q. And are you familiar with the area
15 depicted in this photo?

16 A. Yes.

17 Q. And where is that on the mountain?

18 A. That is Country Club.

19 Q. And where's Country Club in relation to
20 Highway?

21 A. It is over on the skier's right up
22 Highway.

23 Q. And do you have to take Country Club to
24 get to Highway from the Challenger lift?

25 A. No, not necessarily.

BOB DIXON

1 Q. And there's -- it looks like there's
2 some ropes and signs again in this photo, whose
3 decision is it to put those up?

4 A. Supervisor.

5 Q. You as the supervisor?

6 A. No, each hill has a supervisor.

7 Q. Okay. And so there would be a specific
8 supervisor assigned to an area on the hill?

9 A. Uh-huh.

10 Q. Okay. Do you know who was assigned to
11 the Challenger area on December 11th, 2015?

12 A. Not for sure.

13 Q. Okay. If you'll go ahead and turn to
14 the next exhibit, Exhibit 21.

15 A. (Witness complies.)

16 Q. And what area of the mountain is this?

17 A. This is the skier's left of Country Club
18 and is the traverse above the LRT area.

19 Q. And where's this in relation to Highway?

20 A. It is to the skier's right of Highway.

21 Q. In looking at this photo, are there any
22 warnings that have been put up for skiers?

23 A. All I see is the bamboo fence and that's
24 closure.

25 Q. And what's the purpose of the bamboo

BOB DIXON

1 fence?

2 A. To close that area.

3 Q. Is it to keep skiers safe?

4 A. Yes.

5 MR. McINTOSH: Objection, foundation.

6 Go ahead.

7 THE WITNESS: Yes.

8 BY MS. WALAS:

9 Q. Why would a i patroller close an area?

10 A. Cliff bands exposed down there below it.

11 Q. And is that to keep skiers away from the
12 cliff bands?

13 A. Uh-huh, yes.

14 Q. All right. If I can ask you to turn to
15 Exhibit 24.

16 A. (Witness complies.)

17 Q. And are you familiar with this photo?

18 A. Yes, I am.

19 Q. And do you know when this photo was
20 taken?

21 A. I do not.

22 Q. And what area of the mountain is this?

23 A. This is lower Highway.

24 Q. And from the vantage point of the
25 photographer, where they're standing, can you see

BOB DIXON

1 the angle of the transition to the cat track in
2 this photo?

3 MR. McINTOSH: Objection, vague.

4 THE WITNESS: Um, yes.

5 BY MS. WALAS:

6 Q. And can you describe that angle to me?

7 MR. McINTOSH: Same objection.

8 THE WITNESS: Um, it looks to me to be pretty
9 much a smooth transition.

10 BY MS. WALAS:

11 Q. And have you skied this lower Highway
12 before?

13 A. Oh, yes.

14 Q. I had to ask because, you know, you said
15 you never went skiing for fun when you were working
16 there.

17 Now, do you know how far away from the
18 cat track this picture was taken?

19 A. That would be speculation.

20 Q. Okay. Do you know why this photo was
21 taken?

22 A. I would assume to show the terrain and
23 the vantage point from the skier, uphill skier.

24 Q. But you personally were not involved in
25 taking this photo?

BOB DIXON

1 A. No.

2 Q. What's the skier level of this trail?

3 A. Black diamond.

4 Q. And there's a lot of brush in the photo,
5 correct?

6 A. Correct.

7 Q. And are those -- is that brush an area
8 that you would consider a hazard?

9 A. Um, not really. That brush gives away
10 quite easily when you're skiing through it.

11 Q. And how steep is lower Highway?

12 A. Again, I don't have those figures here.

13 Q. If you'll go ahead and turn to Exhibit
14 25.

15 A. (Witness complies.)

16 Q. And are you familiar with this picture?

17 A. Yes.

18 Q. And where is this photo on the mountain?

19 A. It is lower Highway.

20 Q. And do you see the three people standing
21 on the cat track?

22 A. I do.

23 Q. And do you see a drop-off from where the
24 skiers are standing?

25 MR. McINTOSH: Objection, vague.

BOB DIXON

1 MS. WALAS: I'll go ahead and rephrase that.
2 That was a horrible question.

3 BY MS. WALAS:

4 Q. Do you see where the skiers are at the
5 uphill part of the cat track? Do you see that
6 area?

7 A. Yes.

8 Q. And does it appear that there's a
9 drop-off at the point where they're standing on
10 that uphill transition?

11 A. No, there does not.

12 Q. Can you see the lower legs of the skier
13 closest to the uphill portion?

14 A. I can see most of it, yes.

15 Q. And there aren't any safety warnings
16 that have been put up in this area, correct?

17 A. At this time?

18 Q. Yes, at this time.

19 A. No.

20 Q. And do we know -- do you know, not we.
21 Do you know when this picture was taken?

22 A. I do not.

23 Q. Do you know if it's representative of
24 the mountain on December 11th, 2015?

25 A. I can't say for sure since I don't know

BOB DIXON

1 when it's taken.

2 Q. And did you go out to Mr. Meyer's -- the
3 location of Mr. Meyer's ski wreck on December 11th?

4 A. The following day.

5 Q. The following day?

6 A. Yeah.

7 Q. And if you'll go ahead and turn to
8 what's been marked as Exhibit 68, which I believe
9 we have the original in here.

10 A. (Witness complies.)

11 Q. Now are you familiar with this photo?

12 A. I am not.

13 Q. You are not. Okay. Well, then we will
14 just not talk about that one.

15 A. Okay.

16 Q. Now looking at where that skier is
17 standing.

18 A. In 68?

19 Q. In 68, yeah. Are you familiar with that
20 area of the mountain?

21 A. Yes.

22 Q. Okay. And would you consider that the
23 downhill transition from Loop Road to the rest of
24 Highway?

25 MR. McINTOSH: I'm sorry. Objection, vague.

BOB DIXON

1 THE WITNESS: Say that again.

2 BY MS. WALAS:

3 Q. Looking at where the skier is standing,
4 what would you -- how would you describe that
5 location where he is standing or she?

6 A. The person standing on the cat track.

7 Q. Okay. And immediately after the cat
8 track does it continue to go downhill?

9 A. The cat track itself or where -- below
10 the skier?

11 Q. Below the skier, does it transition back
12 into a steep slope?

13 A. It transitions into a slope, yes.

14 Q. But you would not consider that a steep
15 slope?

16 A. Not particularly, no.

17 Q. And do you know if any photos were taken
18 during the investigation of a skier standing on the
19 other side of the cat track closer to where it goes
20 uphill on Highway?

21 A. I don't recall that.

22 Q. And from your knowledge of this area,
23 how would you describe the transition from upper
24 Highway to the cat track?

25 A. Mellow.

BOB DIXON

1 Q. What do you mean by "mellow"?

2 A. Um, very gentle.

3 Q. And is that across the entire cat track
4 from the transition from upper Highway to the cat
5 track? And what I mean by "across" is like the
6 full length of the cat track.

7 A. I'd call that gentle. Excuse me,
8 gentle.

9 Q. Okay. And are you aware of any photos
10 taken of the approach from upper Highway to the
11 Loop Road?

12 A. Um, I believe I've seen some pictures of
13 that.

14 Q. And was that part of the accident
15 investigation?

16 A. Yes.

17 Q. And do you know if any videos have been
18 taken of that approach or this transition area from
19 Highway to the cat track?

20 A. I do not recall any.

21 Q. As part of your responsibilities as the
22 supervisor of the accident investigation team, do
23 you know if videos are taken during accident
24 investigations?

25 A. Rarely.

BOB DIXON

1 Q. What would be an occasion for taking a
2 video?

3 MR. McINTOSH: Objection, speculation.

4 THE WITNESS: On maybe two occasions we did a
5 video just to show how somebody approached an area,
6 an accident site.

7 MS. WALAS: Okay.

8 (Whereupon, Deposition

9 Exhibit Number 75 was

10 marked for identification.)

11 BY MS. WALAS:

12 Q. I'm going to hand you what I've marked
13 as Exhibit 75. And are you familiar with this
14 area?

15 A. Yes.

16 Q. Okay. And would you agree that
17 the -- that this picture is similar to Exhibit 25?
18 You can take the time to compare them.

19 A. Yeah. I don't want to rip these.

20 I'd say the light, just the shade is a
21 little bit different.

22 Q. Okay. And if you'll go ahead and take
23 this red marker, and can you identify on Exhibit 75
24 where the Bermuda Triangle is?

25 A. (Witness complies.)

BOB DIXON

1 Q. Thank you.

2 In looking at this photo, do you know
3 where Mr. Meyer --

4 A. Where he landed?

5 Q. -- wrecked? Where he landed, yes.

6 A. No, I do not know exactly.

7 Q. And do you know the path that Mr. Meyer
8 took down Highway to the cat track?

9 A. I do not.

10 Q. And can you show me where the Challenger
11 ski lift is in this photo?

12 A. It's way uphill.

13 Q. It's way uphill?

14 A. Yeah. It's way back up here
15 (indicating).

16 Q. Okay. So if you'll make a little X when
17 you -- because you're pointing over your shoulder.
18 And will you make a little X of where the -- with
19 an arrow pointing towards where the Challenger lift
20 is?

21 A. Like that.

22 (Whereupon, Deposition
23 Exhibit Number 76 was
24 marked for identification.)

25 ///

BOB DIXON

1 BY MS. WALAS:

2 Q. And I'm going to hand you what I've
3 marked as Exhibit 76. And are you familiar with
4 this area?

5 A. I am.

6 Q. And where is this on the mountain?

7 A. Lower Highway.

8 Q. Okay. And are there any elevation
9 changes that you can see in this photo?

10 A. Define elevation changes.

11 Q. Are there any places where it slopes
12 down and then up slopes again?

13 A. There is this little bit of depression
14 right there on this skier's right.

15 Q. Will you mark that for me, please?

16 A. (Witness complies.)

17 Q. And from your knowledge of the mountain,
18 if a skier is in that depression can they see the
19 Loop Road?

20 MR. McINTOSH: Objection, speculation.

21 THE WITNESS: It depends on snow cover, how
22 much fills in that or not. I would say honestly
23 most of the time, if not all the time, yes.

24 BY MS. WALAS:

25 Q. Okay. And looking at Exhibit 76, do you

BOB DIXON

1 know when this photo was taken?

2 A. I do not.

3 Q. Okay. And do you know if it's
4 representative of December 11, 2015?

5 A. I cannot -- that would be speculation.

6 Q. Okay. And so if the pictures that we've
7 looked at besides the picture that was date
8 stamped, do you know if these pictures are
9 representative of the transition from Morning Star
10 to Loop Road on December 11, 2015?

11 A. Since I do not know when they were
12 taken, I can't. That'd be speculation.

13 Q. Okay. Let's go ahead and take a break
14 real quick.

15 A. Okay.

16 VIDEO TECHNICIAN: This ends Disc Number 1.
17 We're off the record. The time is 10:13.

18 (Whereupon, a brief
19 recess was taken.)

20 VIDEO TECHNICIAN: This starts Disc Number 2.
21 We're back on the record. The time is 10:21.

22 BY MS. WALAS:

23 Q. Bob, before we move on, I want to take a
24 look back at Exhibit 76.

25 A. Okay.

BOB DIXON

1 Q. And I'm going to hand you a -- wait, let
2 me see which one it is.

3 A. 76 is --

4 Q. 75, my apologies. And I've given you a
5 green marker and I believe earlier you testified
6 that you could see the Bermuda Triangle from the
7 Swift Current lift as well?

8 A. Yes.

9 Q. Okay. If you'll mark with an X and an
10 arrow where the Swift Current lift is in relation
11 to Bermuda Triangle. Is that working?

12 A. Sort of.

13 MR. MCINTOSH: He could just use the red,
14 couldn't he?

15 THE WITNESS: Yeah, the red is --

16 MS. WALAS: Yeah, go ahead and just use the
17 red and put a SC near it. I thought that was a
18 Hi-Liter, apparently it's a crayon.

19 BY MS. WALAS:

20 Q. SC by the X, please.

21 A. Okay, SC.

22 Q. All right, thank you.

23 A. Uh-huh.

24 Q. So I'd like to talk to you a little bit
25 about the accident investigation process.

BOB DIXON

1 Now you said as the director of the ski
2 patrol, you're the supervisor of the accident
3 investigation; is that correct?

4 A. I am the overall director of it.

5 Q. Okay.

6 A. There is a supervisor.

7 Q. Okay. And so as the overall director,
8 what are your duties with respect to the accident
9 investigation?

10 A. To make sure that it occurs, then to
11 review the findings once the investigators have
12 summarized the incident and to make sure they have
13 the tools to investigate and make sure they are
14 educated properly on how to do an investigation.

15 Q. Okay. And so the accident investigation
16 team does the investigation?

17 A. Correct.

18 Q. And then you are given the report to
19 review?

20 A. Yes.

21 Q. And then what do you do with the report?

22 A. Then I pass it on to Mike Unruh and to
23 Ian McIntosh.

24 Q. Okay. And do you sign off on the
25 accident report? Like, do you have to sign them or

BOB DIXON

1 make any indication that you've reviewed them?

2 A. No.

3 Q. Okay. And are the ski patrollers or the
4 investigators, are they required to sign any of the
5 notes they generate as part of the accident
6 investigation?

7 A. Yes.

8 Q. And how does that signature work?

9 A. It's just -- you know, they got a
10 document, they write it or we do have a
11 computerized document. And there is actually a
12 device that they can sign on the computer.

13 Q. Okay. And do they also date it?

14 A. Yes.

15 Q. And are the ski patroller
16 investigators -- is that the correct term to use
17 for the people as part of the accident
18 investigation team?

19 A. Yes.

20 Q. Okay. Now, do they render opinions
21 about the cause of the ski wreck?

22 A. No.

23 Q. Do you render opinions about the cause
24 of the ski wreck as the director?

25 A. No.

BOB DIXON

1 Q. And did you review the accident report
2 for Mr. Meyer's December 11th, 2015 wreck prior to
3 your preparation for the depo today?

4 A. Yes.

5 Q. Okay. And did you do that as part of
6 your function as the director of the ski patrol?

7 A. Yes.

8 (Whereupon, Deposition

9 Exhibit Number 77 was

10 marked for identification.)

11 BY MS. WALAS:

12 Q. I'm going to hand you what I've marked
13 as Exhibit 77. And I apologize for it not being in
14 color. But I printed it and it cut things off in
15 the color version, so.

16 Now is Exhibit 77 the accident report
17 for Mr. Meyer's depo -- or not depo, Mr. Meyer's
18 ski accident?

19 A. No, it is not. It is not.

20 Q. That is not the one for John Meyer's ski
21 wreck?

22 A. This is -- at least the top page is
23 patroller comments.

24 Q. And what are the -- what's the purpose
25 of the patroller comments?

BOB DIXON

1 A. Just to get basically a view of what
2 they saw and a description of the scene and what
3 they did.

4 Q. And looking at Exhibit 77, is there an
5 accident report contained in there?

6 MR. McINTOSH: Objection, vague.

7 MS. WALAS: I'll rephrase it.

8 BY MS. WALAS:

9 Q. Can you identify in Exhibit 77 the
10 accident investigation report?

11 A. Um, this whole document -- okay. This
12 whole document is the accident investigation
13 report.

14 Q. Okay.

15 A. So -- and there is medical in here.

16 Q. And you said there's medical in here?

17 A. Yep.

18 Q. Okay.

19 A. Yes, sorry.

20 Q. And if you'll go ahead and look
21 at -- it's page 16.

22 A. (Witness complies.)

23 Q. And can you identify what this page is?

24 A. Looks to be a statement from Amanda Cox.

25 Q. And who's Amanda Cox?

BOB DIXON

1 A. She is a line ski patroller.

2 Q. And was she part of the accident
3 investigation team?

4 A. No.

5 Q. Did -- strike that.

6 If you know, why would this statement be
7 included in the accident investigation report?

8 A. Because line patrollers were involved in
9 the scene or in the area at that time.

10 Q. Okay. And do statements like these need
11 to be signed?

12 A. Yes.

13 Q. Okay. And is this -- is Amanda's
14 name -- do you consider that a signature for
15 purposes of the accident investigation report at
16 Big Sky?

17 MR. McINTOSH: Objection, vague.

18 THE WITNESS: Um, that's hard to say. I
19 don't -- I don't know.

20 BY MS. WALAS:

21 Q. Well, if you'll go ahead and go to the
22 next page, exhibit -- or page 17.

23 A. Yes.

24 Q. What does this page represent?

25 A. A statement from Jason Vander Weit.

BOB DIXON

1 Q. And do you consider this statement
2 signed?

3 A. I do.

4 Q. And in your review of an accident
5 investigation report, have you ever sent any
6 statements back to obtain a signature?

7 A. I don't recall doing that because that
8 is -- I don't recall doing it, no.

9 Q. And looking at page 16, and as your
10 capacity of the reviewer of these before setting
11 them up, do you accept Ms. Cox's statement as being
12 signed for purposes of the investigation?

13 MR. McINTOSH: Objection, vague.

14 THE WITNESS: Again, that's not something
15 that I'm an expert on, whether it's signed or not.
16 BY MS. WALAS:

17 Q. And will you go ahead and read the last
18 line of Ms. Cox's statement out loud?

19 A. Being -- excuse me. "Being that the
20 visibility was clear, there was no issue seeing the
21 transition from Highway to Lower Morning Star via
22 the Loop Road."

23 Q. And do you consider that an opinion
24 being made by Ms. Cox?

25 MR. McINTOSH: Objection, vague.

BOB DIXON

1 THE WITNESS: Again, I'm not an expert on
2 making those kind of judgments.

3 BY MS. WALAS:

4 Q. Well, as the director of the ski patrol,
5 you said that the ski patrollers are not allowed
6 to --

7 A. Right.

8 Q. -- express opinions, correct?

9 A. Correct.

10 Q. And when you receive a statement, if it
11 contains something that you considered to be an
12 opinion, would you visit with that ski patroller
13 and have them redo the report?

14 A. No, because once they have written the
15 report, that's their report. I'm not going to tell
16 them what to say.

17 Q. Okay. Now, as the director of ski
18 patrol, are you aware of any other wrecks that have
19 occurred from -- at the transition point from
20 lower -- or from upper Highway to the cat track?

21 A. No.

22 Q. Are you aware of any ski wrecks that
23 have occurred in the Bermuda Triangle area itself?

24 A. Not that I recall.

25 Q. Are you aware of -- and again, in your

BOB DIXON

1 capacity as the director of the ski patrol, are you
2 aware of any incidents or wrecks that have occurred
3 on the mountain itself in a transition from a black
4 diamond to a cat track?

5 A. Not right off the top of my head.

6 Q. Now, as the ski patrol director, are you
7 familiar with the Big Sky Resort Professional Ski
8 Patrol Manual?

9 A. Yes.

10 Q. And was a manual -- was that manual in
11 effect on December 11, 2015?

12 A. It should have a date on the top of it.

13 Q. And I'll have what I've marked as
14 Exhibit 78.

15 (Whereupon, Deposition
16 Exhibit Number 78 was
17 marked for identification.)

18 BY MS. WALAS:

19 Q. Is that the ski patrol manual that was
20 in effect on December 11th, 2015?

21 A. Yes.

22 Q. And what's the purpose of this manual?

23 A. Basically a job description and what the
24 ski patrol does as part of their duties.

25 Q. And did you write this?

BOB DIXON

1 A. I contributed, yes.

2 Q. Who else wrote it with you?

3 A. Ody Larsen, Tom Anderson way back when.
4 It's been an evolving document.

5 Q. Okay. Do you all revisit it every year
6 and make updates?

7 A. We do.

8 Q. Or if there are no updates to be made
9 you just put a new date on it?

10 A. If there's no updates, but that's rare.

11 Q. Okay. And you're familiar with its
12 contents, correct?

13 A. Yes.

14 Q. And do you personally use this manual to
15 train the Big Sky ski patrollers?

16 A. We do.

17 Q. And let's look at your job description
18 as the ski patrol director. I think it starts on
19 page 3.

20 A. (Witness complies.)

21 Q. And what is your primary job description
22 as the director?

23 A. My primary? Because it involves all
24 these different aspects as listed.

25 Q. Okay. If you'll take a look at page 4

BOB DIXON

1 on the top.

2 A. (Witness complies.)

3 Q. What does the phrase "Duties Include
4 (with safety first)" mean to you as the director?

5 A. It means basically with safety for our
6 guests and for our patrollers.

7 Q. And so would you consider safety to be
8 your primary objective as the director of ski
9 patrol?

10 MR. McINTOSH: Objection, vague.

11 THE WITNESS: It is one of the primary
12 objectives.

13 BY MS. WALAS:

14 Q. And looking at this, would it be safe to
15 say that you kind of have a hand in all the things
16 that the ski patrol does?

17 A. Definitely.

18 Q. And looking at the bullet point
19 "Mountain Signage," and that's on page 3.

20 A. Okay.

21 Q. What is mountain signage?

22 A. That involves everything from the trail
23 signs to basically the like trails merge signs,
24 things like that; basically, anything to give
25 information to our guests.

BOB DIXON

1 Q. Okay. Would that include hazard signs?

2 A. Yes.

3 Q. Does that include those ropes and the
4 posts we were looking at in some of the photos
5 earlier?

6 A. Yes.

7 Q. Okay. And the barriers that get put up?

8 A. Correct.

9 Q. Okay. And so what do you
10 specifically do as the director with respect to the
11 sign -- mountain signage?

12 MR. McINTOSH: Objection; vague, too broad.

13 MS. WALAS: You can answer, if you know.

14 THE WITNESS: I basically am on the ski hill
15 looking to make sure the signage is there. I deem
16 it necessary, make sure it's up straight, looks
17 good and is doing its job.

18 BY MS. WALAS:

19 Q. And correct me if I'm wrong but, earlier
20 you testified that there's a supervisor for each
21 area of the mountain?

22 A. Correct.

23 Q. And is the supervisor in charge for
24 the -- in charge of putting up the signs in that
25 specific area?

BOB DIXON

1 A. The line patrollers also put signs up
2 and things like that. They do have other judgments
3 also taken into consideration but, the supervisor
4 is overall responsible.

5 Q. Okay. And do you follow up or do spot
6 checks on the areas to see where the signs are and
7 to make sure that it's safe?

8 A. Yes.

9 Q. Okay. And if you saw something that you
10 felt should be marked, would you put a sign up
11 there?

12 A. If I had one available or I would call
13 the supervisor to do it.

14 Q. Okay. And when you say "call the
15 supervisor," do you guys use walkies or cell
16 phones?

17 A. We use phones and radios.

18 Q. Okay. Now, as part of your duties as
19 the ski patrol director, are you responsible for
20 ensuring that the preseason ordering and
21 maintenance of all the ski patrol materials has
22 been taken care of?

23 A. Yes.

24 Q. Okay. And what does that entail?

25 A. That means that we have all the supplies

BOB DIXON

1 we need for when we open and for the winter. That
2 can be anything from explosives to signage to rope
3 to whatever, just make sure we have the materials
4 to do our job.

5 Q. Okay. And at the end of the season
6 you're responsible for removing and storing and
7 inventorying all those materials?

8 A. Correct.

9 Q. And during the course of the season, do
10 you ever need to order more signs?

11 A. Yes.

12 Q. Okay. And do you know if you had to do
13 that in 2015?

14 A. I do not recall.

15 Q. And have you ever run out of safety
16 signs during a season?

17 A. We have never run out of warning signs,
18 no.

19 Q. Have you run out of fencing?

20 A. No.

21 Q. Or rope?

22 A. No.

23 Q. Or any other sort of safety material?

24 A. No.

25 Q. And who was the mountain maintenance

BOB DIXON

1 supervisor on December 11th, 2015?

2 A. The mountain maintenance supervisor?

3 Q. Yes.

4 MR. MCINTOSH: Objection, vague.

5 THE WITNESS: Yeah, we -- I mean we basically
6 had supervisor's and director's office. We don't
7 have a maintenance supervisor.

8 BY MS. WALAS:

9 Q. Okay. If you'll turn to page 10 of
10 Exhibit 78.

11 A. That basically mountain maintenance
12 supervisor is an assistant director.

13 Q. Is an assistant director?

14 A. Yes.

15 Q. And so who was the assistant director of
16 the ski patrol on December 11th, 2015?

17 A. There's two of them. Dave Benes and
18 Jim Humphries.

19 Q. And what was Dave's last name?

20 A. Benes.

21 Q. Benes with a B?

22 A. Yeah.

23 Q. Okay. And so the mountain maintenance
24 supervisor that's described here on page 10, those
25 duties were assigned to the assistant director?

BOB DIXON

1 A. Yes.

2 Q. Okay. Now as the ski patrol director,
3 do you believe that safety matters for all skiers
4 regardless of ski level?

5 MR. McINTOSH: Objection; vague, contrary to
6 Montana law, calls for a legal conclusion.

7 THE WITNESS: Repeat that, please.

8 BY MS. WALAS:

9 Q. As the ski patroller director, do you
10 believe that safety matters for all skiers
11 regardless of ski level?

12 MR. McINTOSH: Same objections.

13 Go ahead.

14 THE WITNESS: I think safety matters for
15 sure.

16 BY MS. WALAS:

17 Q. And do black diamond trails get the same
18 level of review for the need of safety warnings as
19 intermediate trails?

20 MR. McINTOSH: Objection, vague.

21 THE WITNESS: Do they get the same review?

22 MS. WALAS: Yes.

23 THE WITNESS: Yes.

24 BY MS. WALAS:

25 Q. And do you look at black diamond trails

BOB DIXON

1 the same as beginner trails in marking for safety?

2 A. No.

3 Q. What's the difference between marking a
4 beginner trail and a black diamond trail?

5 MR. McINTOSH: Objection, too broad.

6 THE WITNESS: Yeah, that's kind of vague.
7 But there is a difference based on the skier's
8 capabilities.

9 BY MS. WALAS:

10 Q. So what makes a trail a black diamond?

11 A. There is no definition directly. NSAA
12 has not put out a definition. It's just a judgment
13 call with experience.

14 Q. As the director of ski patrol, do you
15 have a say or play a role in assigning a skill
16 level to the different trails?

17 A. I do.

18 Q. Okay. And were you involved in marking
19 the ski level for Highway?

20 A. Yes.

21 Q. Do you recall when it was made a black
22 diamond?

23 A. Probably like when Challenger was -- the
24 Challenger lift was built.

25 Q. Do you recall what year that was?

BOB DIXON

1 A. '88.

2 Q. And is lower Highway -- what skill level
3 is that?

4 A. Lower Highway, it's all black diamond.

5 Q. It's all black diamond. And what skill
6 level is the cat track?

7 A. The cat track is actually green.

8 Q. Okay. And let me clarify that. The
9 Morning Star cat track.

10 A. Right, the one that's going underneath.
11 That's green.

12 Q. Okay. And what are the characteristics
13 of a cat track?

14 A. Relatively flat most of the time and
15 it's a track because it's designated for CATS to
16 use for grooming.

17 Q. And Loop Road was a cat track, correct?

18 A. Correct.

19 Q. And it's flat?

20 A. Relatively flat.

21 Q. Okay. And do you agree that Highway is
22 a steep trail?

23 MR. McINTOSH: Objection, vague as to
24 location.

25 THE WITNESS: Yeah, what part of Highway are

BOB DIXON

1 you talking about? It varies.

2 BY MS. WALAS:

3 Q. Okay. Well, let's break it down. So
4 there's upper Highway?

5 A. Right.

6 Q. And on a -- how would you describe the
7 steepness of upper Highway?

8 A. Um, it's black diamond. It's moderately
9 steep maybe.

10 Q. And how about the lower Highway, how
11 would you describe the steepness there?

12 A. It's moderate.

13 Q. And would you agree that the transition
14 from Highway -- strike that.

15 When you're coming down from upper
16 Highway it's -- and you approach the cat track?

17 A. Uh-huh.

18 Q. Describe how the terrain moves or
19 transitions?

20 A. The transition was very smooth from
21 lower Highway onto the cat track. It was pretty
22 much just a continuous transition.

23 Q. And do rocks get flagged with safety
24 signs?

25 MR. McINTOSH: Objection, vague.

BOB DIXON

1 THE WITNESS: There's basically caution signs
2 warning that there are rocks all over that
3 mountain.

4 BY MS. WALAS:

5 Q. And for purposes of warning skiers about
6 hazards on the mountain, is that a judgment call
7 made by the ski patrollers?

8 A. Yes.

9 Q. We can go off the record real quick.

10 VIDEO TECHNICIAN: We are off the record.
11 The time is 10:47.

12 (Whereupon, a brief
13 recess was taken.)

14 VIDEO TECHNICIAN: We're back on the record.
15 The time is 10:48.

16 MS. WALAS: I have no further questions
17 for you at this time. I'll go ahead and let
18 Mr. McIntosh ask you some.

19 MR. McINTOSH: We will reserve our questions
20 until trial.

21 THE WITNESS: All right.

22 MR. McINTOSH: Thank you, Mr. Dixon.

23 THE WITNESS: Thank you.

24 MS. WALAS: Thank you. Thanks for coming in
25 today.

BOB DIXON

1 THE WITNESS: No problem.

2 VIDEO TECHNICIAN: This now ends the
3 deposition. The time is 10:48.

4
5 (Whereupon, the taking
6 of this videotaped deposition
7 was concluded at 10:48 a.m.)
8

9
10 SIGNATURE RESERVED
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DEPONENT'S CERTIFICATE

	PAGE	LINE	CORRECTION
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3	12	11	pro patrol
4	23	21	upper Highway
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I, BOB DIXON, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I have read the foregoing -57- pages of typewritten material and that the same is, with any corrections thereon made in ink on the correction sheet and signed by me, a full, true and correct transcript of my oral deposition given at the time and place hereinbefore mentioned.

DATED this 19th day of March, 2020.

Bob Dixon

BOB DIXON

BOB DIXON

C E R T I F I C A T E

STATE OF MONTANA)
) ss.
COUNTY OF GALLATIN)

I, Marla Jeske, Court Reporter - Notary
Public, CSR, in and for the County of Gallatin,
State of Montana, do hereby certify:

That the witness in the foregoing
deposition was by me first duly sworn to testify
the truth, the whole truth and nothing but the
truth in the foregoing cause; that the deposition
was then taken before me at the time and place
herein named; that the deposition was reported by
me in shorthand and later transcribed into
typewriting under my direction, and the foregoing
pages contain a true record of the testimony of the
witness, all done to the best of my skill and
ability.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal this ____ day
of _____, 2020.

Notary Public for the State of Montana
residing at: Bozeman
My commission expires: February 04, 2023